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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,170	11/30/2001	Peter Zatloukal	41051.P010	9518

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EXAMINER

TRUONG, THANHNGA B

ART UNIT PAPER NUMBER

2135

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/000,170

Applicant(s)

ZATLOUKAL ET AL.

Examiner

Thanhnga B. Truong

Art Unit

2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-77

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____

Continuation of 11. Applicant's arguments filed February 22, 2006 have been fully considered but they are not persuasive.

Applicant argues that:

Lam fails to disclose, expressly or inherently, any sort of eligibility authentication process (i.e., identification process) to determine whether the detected faceplate is eligible for use with the portable computer system. The identification taught by Lam simply does not equate to authentication using the indication signal sent.

Examiner disagrees with the applicant and still maintains that:

Applicant's "eligible" smart interchangeable cover are provided with plurality of instructions (e.g., codes) for the base portion to authenticate a smart interchangeable (see Applicant's Summary of the invention - US 2003/0105961 A1, paragraph 0008). Clearly, applicant's smart interchangeable cover is controlling by the software instructions or codes to verify the cover is valid or "eligible" to use with the device. The concept of applicant's invention is very similar to that of Lam's invention. Lam teaches a faceplate for an electronic device comprising: a housing adapted to be removably secured onto the electronic device; a plurality of electrical contacts disposed on the housing and operable to mate with corresponding electrical contacts of the electronic device when the housing is secured onto the electronic device; and a plurality of buttons disposed on the housing and, when activated, for causing signals to be generated over the electrical contacts indicating which buttons were activated and when activated. Embodiments include the above and further comprising a CODE GENERATION DEVICE (emphasis added) responsive to activation of the plurality of buttons and coupled to the electrical contacts of the faceplate, the code generation device for generating the signals over the electrical contacts which indicate which buttons were activated and when activated (column 3, lines 24-40 of Lam).

In addition, Lam teaches an integrated removable functional faceplate for a portable computer system. The removable functional faceplate employs specially located electrical contacts or pads that mate with similarly located electrical contacts mounted on the portable computer system, e.g., a personal digital assistant (PDA) or other electronic device. The electrical contacts of the functional faceplate carry signals that are responsive to the pressing of physical buttons which may be placed in any location on the functional faceplate. This allows individual faceplates to be developed that are specialized for a particular purpose, e.g., extended keyboards, adapted for gaming, adapted for music playing, etc. The functional faceplates may have specialized button types that are adapted for a particular use and are also located in custom positions that reflect the particular use employed. When the functional faceplate is removed from the portable computer system, it may have no buttons or it may provide a standard PDA button group. An identification circuit may be employed on the functional faceplate to indicate its button group and signaling characteristics. Alternatively, the functional faceplate may also include a data generation device, e.g., a global positioning system (GPS) or electronic thermometer, a music player, a smart card, etc. Alternatively, the functional faceplate may also include an auxiliary power supply (see Lam's abstract). Furthermore, an identification circuit (i.e., authentication circuit/logic) may be employed on the functional faceplate to indicate its button group and signaling characteristics. Alternatively, the functional faceplate may also include a data generation device, e.g., a global positioning system (GPS) or electronic thermometer, a music player, a smart card, etc. In this case, one or more of the electrical contacts are adapted to receive data signals from this data generation device. Alternatively, the functional faceplate may also include an auxiliary power supply (e.g., battery, solar power, etc.). In this case, one or more of the electrical contacts are adapted to receive a power signal from this auxiliary power source (column 2, lines 66-67 through column 3, lines 1-10 of Lam). In addition, embodiments include the above and further comprising an identification unit disposed on the housing and coupled to the electrical contacts of the faceplate, the identification unit for identifying the faceplate (emphasis added) to the electronic device (column 3, lines 40-45). Moreover, Figure 9 illustrates the rear or back side view of faceplate 250c in block diagram form. Faceplate 250c is similar to faceplate 250a (FIG. 7) except that the keys are laid out differently and faceplate 250c utilizes an optional identification code device 450. Identification code device 450 can be realized either using either electrical components or mechanical components. Identification code device 450 is coupled to an electrical contact 222 and is able to communicate a code to device 100a indicating the identity or type of faceplate that it is. The identity code can help the device 100a to interpret the coded signals generated by the code generator 410. Using the identification code 450, each faceplate adapted for coupling with the device 100a would have its own ID code value (column 9, lines 26-40 of Lam).

Applicant further argues that:

Reed and Chen, alone or in combination, fail to cure the above discussed deficiencies of Lam.

Examiner still disagrees and maintains that:

The combination of teachings between Lam, Reed, and Chen teaches the claimed subject matter. Although Lam teaches the claimed subject matter, Lam does not clearly mentioned that the code generator could generate the challenge. On the other hand, Reed III teaches the generation of the challenge. This limitation is met on column 6, lines 37-67 of Reed III and column 1, lines 51-67 through column 2, lines 1-3 and lines 34-40. Lam and Reed III teach the claimed subject matter; and Reed III further teaches:

(1) wherein said verification of said received public key of the removably attached interchangeable cover as having been signed by an authorized party further comprises determining whether the public signing key has been revoked by the trusted certification authoring, and recovering said public key of the removably attached interchangeable cover as part of the verification process [i.e., Reed III's Figure 2 depicts the process for directing the creation of a shared secret data field and the verification of same]. However, the combination of Lam and Reed II does not explicitly mention about the revoking and/or recovering public key in its verification process. On the other hand, Chen teaches the server public key is used to encrypt a client-generated portion of the shared secret key, and the encrypted client-generated key is sent to the server where it is recovered using a private key held by the server and combined with a server generated portion of the shared secret key to form the shared secret key (see abstract of Chen).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of teachings between Lam, Reed, and Chen is sufficient.

Thus, Lam, Reed, and Chen do not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed

invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.
For the above reasons, it is believed that the rejections should be sustained..



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